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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OPTOMETRY

**MEETING CONDUCTED VIA TELECONFERENCE Pursuant to the
Governor's March 16, 2020, waiver of the physical
presence requirement in section 2.1 of the Act.**

TIME: 12:34 P.M.

One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Thursday, May 14, 2020

State Board of Optometry
May 14, 2020

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BOARD MEMBERS:

- Luanne K. Chubb, O.D., F.A.A.O., Chairperson
- John A. Godfrey, O.D., Vice Chairperson
- Kimberly F. Boyer, O.D., Secretary
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Pamela Barnhart, Office of Attorney General, Consumer Protection Member - Absent
- Jeffrey B. Becker, O.D.
- Carl J. Urbanski, O.D.
- Davis C. Haire, O.D.
- Perry C. Umlauf, O.D.

BUREAU PERSONNEL:

- Ariel O'Malley, Esquire, Board Counsel
- David N. Smith, Esquire, Board Prosecution Liaison
- Paul J. Jarabeck, Esquire, Board Prosecutor
- Chris Stuckey, Board Administrator
- Mark Farrell, Deputy Policy Director, Pennsylvania Department of State
- Theodore Stauffer, Executive Secretary, Pennsylvania Department of State

ALSO PRESENT:

- Joseph A. Ricci, Esquire, Executive Director, Pennsylvania Optometric Association
- Ted Mowatt, Wanner Associates, on behalf of Pennsylvania Optometric Association
- Eric Knapp, O.D., Walmart
- Maggie DeCostanzo, Esquire, Counsel for Respondent

1 ***

2 State Board of Optometry

3 May 14, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Optometry was held on Thursday, May 14, 2020.

7 Luanne Chubb, O.D., F.A.A.O., Chairperson, called the
8 meeting to order at 12:34 p.m.

9 ***

10 Roll Call/Introduction of Audience Members

11 [Roll call was taken and audience members introduced
12 themselves.]

13 ***

14 Approval of Minutes

15 CHAIRPERSON CHUBB:

16 Could I ask for a motion to approve the
17 Minutes from the last meeting?

18 DR. UMLAUF:

19 I make the motion.

20 CHAIRPERSON CHUBB:

21 Dr. Umlauf, thank you. Could I have a
22 second to the motion?

23 DR. BECKER:

24 Second.

25 CHAIRPERSON CHUBB:

1 Dr. Becker. Thank you. Any discussion?
2 Any additions?

3 Hearing none, all those in favor to
4 accept the Minutes from the meeting of
5 February 6, 2020, signify by saying aye?
6 Opposed? Any abstentions?

7 [The motion carried unanimously.]

8 ***

9 Report of Prosecutorial Division

10 [David N. Smith, Esquire, Board Prosecutor, presented
11 a Consent Agreement for File No. 16-52-10873. Maggie
12 DeCostanzo, Esquire, Counsel for Respondent, was
13 present to answer questions from the Board.]

14 ***

15 Report of Acting Commissioner - No Report

16 ***

17 Report of Board Counsel

18 [Ariel O'Malley, Esquire, Board Counsel, noted a
19 Petition to Dismiss for Early Release would be
20 discussed during Executive Session.

21 Ms. O'Malley hoped to edit the General Revisions
22 package for review by the Board at its August meeting
23 along with the status of pending bills.]

24 ***

25 Report of Acting Commissioner

1 [K. Kalonji Johnson, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, thanked Board
3 members for attending this meeting via teleconference
4 and navigating through this "new normal". He
5 indicated all meetings were being scheduled virtually
6 as the State goes through various stages of reopening.

7 Acting Commissioner Johnson asked that everyone
8 visit the Board's website frequently for updates. He
9 again thanked Board members as healthcare
10 professionals for being on the frontline.]

11 ***

12 Report of Board Chairperson

13 [Luanne K. Chubb, O.D., F.A.A.O., Chairperson,
14 discussed committee assignments. All members were
15 content with the committee selections.]

16 ***

17 Report of Regulatory Counsel

18 [Ariel O'Malley, Esquire, Board Counsel, stated no
19 comments had been received thus far with regard to the
20 Act 41 exposure draft but would allow a little more
21 time for response due to the current crisis.]

22 ***

23 Report of Board Administrator - No Report

24 ***

25 Report of Secretary

1 [Kimberly F. Boyer, O.D., Secretary, discussed items
2 to include in the newsletter, including driving
3 standards, as well as the handicapped placard process.

4 It was noted the Governor had already sent out
5 information on how to reopen a business. There was
6 further discussion regarding the matter.

7 It was suggested the public be referred to the
8 Board's website for updates on reopening a practice.
9 Acting Commissioner Johnson agreed with the suggestion
10 and further noted the Board as well as those who do
11 not peruse the website may be more comfortable with
12 the newsletter. There was further discussion
13 regarding additional ways information could be
14 supplied to licensees and other Board members,
15 including blast emails. Board members offered further
16 comments regarding the matter.]

17 ***

18 New Business - None

19 ***

20 Public Comment Period

21 [Joseph A. Ricci, Esquire, Executive Director,
22 Pennsylvania Optometric Association, notified the
23 Board that Representative Lynda Culver was planning to
24 introduce legislation to modernize the Optometric
25 Practice Act, and he anticipated a bill would soon be

1 introduced, which would bring significant improvements
2 and remove some barriers to care presented by the
3 current practice act.]

4

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 1:08 p.m. the Board entered into Executive Session
7 with Ariel O'Malley, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations and
9 to receive the advice of Board Counsel. The Board
10 returned to open session at 1:28 p.m.]

11

12 MOTIONS

13 MS. O'MALLEY:

14 The Board was just in Executive Session
15 conducting quasi-judicial deliberations
16 on matters that are currently pending
17 before the Board as well as receiving
18 the advice of Counsel.

19 CHAIRPERSON CHUBB:

20 Regarding the Consent Agreement and
21 Order, File No. 16-52-10873, do I have a
22 motion?

23 DR. URBANSKI:

24 Motion to approve the Consent Agreement.

25 CHAIRPERSON CHUBB:

1 Thank you, Dr. Urbanski. Is there a
2 second?

3 DR. BECKER:

4 Second.

5 CHAIRPERSON CHUBB:

6 Any further discussion? All in favor?

7 Any opposed? Any abstentions?

8 [The motion carried unanimously. The Respondent's
9 name is Richard Anthony Fenton, O.D.]

10 ***

11 CHAIRPERSON CHUBB:

12 Moving on to the Petition to Dismiss for
13 Early Release, prior File No. 17-52-
14 12082 for Alan Frank, O.D., is there a
15 motion to agree with the Prosecution?

16 DR. BOYER:

17 Yes, I move to deny the Petition for
18 Early Reinstatement for Dr. Alan Frank.

19 CHAIRPERSON CHUBB:

20 Is there a second?

21 DR. UMLAUF:

22 I second it.

23 CHAIRPERSON CHUBB:

24 Thank you, Dr. Umlauf. Is there any
25 discussion?

1 [A correction to the motion was discussed.]

2 CHAIRPERSON CHUBB:

3 Dr. Boyer, can you say that again?

4 Regarding the Petition to Dismiss for
5 Early Release, your motion is?

6 DR. BOYER:

7 I move to deny the Petition for Early
8 Reinstatement for Dr. Alan Frank.

9 CHAIRPERSON CHUBB:

10 Thank you. Is there a second?

11 DR. BECKER:

12 I'll second that.

13 CHAIRPERSON CHUBB:

14 Dr. Becker. Is there any discussion?
15 Hearing none, all those in favor? Any
16 opposed? Any abstentions?

17 [The motion carried. Dr. Urbanski recused from
18 deliberations and voting on the motion.]

19 ***

20 Adjournment

21 [There being no further business, the State Board of
22 Optometry Meeting adjourned at 1:33 p.m.]

23 ***

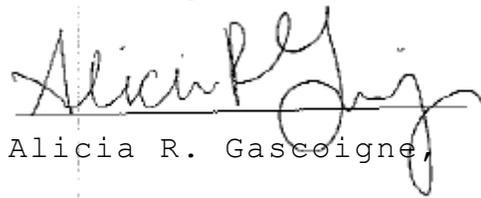
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Optometry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Optometry meeting.



Alicia R. Gascoigne,
Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OPTOMETRY
REFERENCE INDEX

May 14, 2020

	TIME	AGENDA
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7		
8	12:34	Official Call to Order
9		
10	12:35	Roll Call/Introduction of Audience
11		Members
12		
13	12:39	Approval of Minutes
14		
15	12:40	Report of Prosecutorial Division
16		
17	12:41	Report of Board Counsel
18		
19	12:41	Report of Acting Commissioner
20		
21	12:45	Report of Board Chairperson
22		
23	12:46	Report of Regulatory Counsel
24		
25	12:48	Report of Secretary
26		
27	1:07	Public Session
28		
29	1:08	Executive Session
30	1:28	Return to Open Session
31		
32	1:28	Motions
33		
34	1:33	Adjournment
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